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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 3 May 2007 from the Permanent Mission of Madagascar to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Madagascar to the United Nations presents its compliments to the President of the sixty-first session of the General Assembly and with reference to its own note verbale, dated 9 April 2007, regarding its candidature to the Human Rights Council for the term 2007-2010 during the elections to be held in New York on 17 May 2007, has the honour to forward herewith Madagascar's pledge in accordance with General Assembly resolution 60/251 of 15 March 2006 (see annex).

The President of the General Assembly would kindly find attached both the French and English versions of the above-mentioned pledge.

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Annex to the note verbale dated 3 May 2007 from the Permanent Mission of Madagascar to the United Nations addressed to the President of the General Assembly

Voluntary pledge of the Republic of Madagascar in conformity with General Assembly resolution 60/251

[Original: French]

Since its accession to independence, Madagascar has played an active role in the promotion and defence of human rights at the national, regional and international levels. From the perspective of development and in accordance with Pledge No. 1 in the Madagascar Action Plan (MAP), Madagascar firmly believes that greater consideration and respect should be shown for fundamental human rights. Indeed, the Malagasy Constitution recognizes these rights for all the people of Madagascar without any discrimination.

The country's accession to the various international human rights instruments is evidence of its commitment to the protection of human rights.

I. Madagascar's support for the promotion and defence of human rights at the national, regional and international levels

(a) National level

Democracy is the foundation of the Republic of Madagascar. The general principles laid down in article 8 of its Constitution expressly provide that "All Malagasy nationals have equal rights under the law and enjoy the same fundamental freedoms protected by the law, without discrimination on the grounds of gender, level of education, wealth, origin, race, religious belief or opinion".

– Institutional

The National Human Rights Commission (CNDH) was established on 18 December 1996 to promote greater awareness among citizens of their rights and obligations.

The CNDH seeks to ensure that the fundamental rights and freedoms of persons, as enshrined in the Constitution, are respected. It provides human rights education and training, receives complaints and gives advice about the procedures to be followed by complainants, whether individuals or groups.

Madagascar also has an Office of the Ombudsman, which was established in 1992 to defend the rights of individuals who are in conflict with institutions. The main functions of the Office are to receive complaints about relations between the public and the administration from territorial public authorities, public institutions and any other public service.

The Ombudsman submits an annual report on his activities to the President of the Republic, the Parliament and the Prime Minister. The report is published in the Official Gazette of the Republic.

– *Protection of human rights*

The Constitution of Madagascar recognizes the right of every child to schooling and education under the responsibility of the parents and while respecting their freedom of choice.

As part of its efforts to develop an effective system for the education of minors, the Ministry of Education and Scientific Research has focused on the broad dissemination of its Education for All policy. To this end, the Government has eliminated tuition fees in public schools and distributed school supply kits to assist parents sending their children to school.

Madagascar strongly believes that children who have benefited from schooling will be the citizens of tomorrow and will be aware of their rights and duties.

The aim of the Education for Citizenship and Civic-mindedness (ECC) campaign is to make children more aware of their rights and thereby enable them to better protect themselves.

Outside of the formal educational system, inter-ministerial programmes have been launched for the protection of children: suppression of child employment and the worst forms of child labour and combating human slavery and trafficking in people.

The Government of Madagascar has drawn up a national action plan on gender and development (PANAGED) for the period 2004-2008 whose objective is to help remove or at least reduce obstacles and constraints to the promotion of equitable and sustainable gender relations and to support the effective and meaningful participation of women in civic and political life.

In order to help citizens better understand their rights, the Government has established through the Ministry of Justice a special office for disseminating information about the law and for educating the public.

Madagascar is currently working to incorporate into its national legislation those human rights conventions and protocols to which it is party.

(b) Regional level

Madagascar has been a party to the African Charter on Human and Peoples' Rights since 1991. The Charter is an integral part of the positive law of Madagascar.

The relevant report is in the final stages of preparation and will be submitted shortly to the Secretariat of the African Union Commission.

Madagascar also signed in February 2004 the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and will shortly ratify it.

The African Charter on the Rights and Welfare of the Child was ratified in 2005. Madagascar is currently represented on the African Committee of Experts on the Rights and Welfare of the Child.

(c) International level

Having regard to its geopolitical situation and its active participation in the community of nations, Madagascar attaches particular importance to cooperation,

both bilateral and multilateral, in the promotion of human rights and fundamental freedoms.

Madagascar has always supported the measures adopted by the United Nations to defend human rights and has ratified many of the most important international instruments, including:

- The International Convention on the Elimination of All Forms of Racial Discrimination (New York, 5 March 1966);
- The International Covenant on Economic, Social and Cultural Rights (New York, 16 December 1966);
- The International Covenant on Civil and Political Rights (New York, 16 December 1966);
- The Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984);
- The Convention on the Rights of the Child (New York, 20 November 1989);
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (New York, 25 May 2000);
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (New York, 25 May 2000);
- The International Convention for the Suppression of the Traffic in Women and Children, concluded in Geneva on 30 September 1921, as amended by the Protocol signed at Lake Success (New York, 12 November 1947);
- ILO Conventions Nos. 138 and 182 on the minimum age for admission to employment and on the worst forms of child labour, respectively.

Madagascar submits periodic reports to the various committees charged with the review and implementation of international human rights treaties.

II. Future commitments in the field of human rights

By deciding to present its candidacy to the Human Rights Council, Madagascar is seeking to strengthen its commitment and to make an active contribution to the defence of human rights in this new organ of the United Nations.

In accordance with resolution 60/251, by which the General Assembly established the Human Rights Council, Madagascar pledges to:

- Continue to promote democracy, good governance and the rule of law as the foundations for the promotion of human rights for its population and national institutions;
- Work harder to ensure the effective enjoyment of human rights and respect for and the protection of fundamental freedoms;

- Cooperate actively with governments and with national, regional and multilateral human rights organizations;
- Support international efforts aimed at increasing dialogue and understanding across cultures and civilizations as a means of promoting universal respect for human rights;
- Contribute effectively to strengthening the measures adopted by the United Nations, and more specifically within the Human Rights Council, with due respect for the principles of universality, objectivity and non-selectivity;
- Comply with the international system of periodic review;
- Work tirelessly to strengthen the credibility of the Human Rights Council.